

Appl. No. 10/719,785
Atty. Docket No. 9432
Amdt. dated February 1, 2006
Reply to Office Action of November 1, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1-11 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 U.S.C. §102(b) Over U.S. 2002/0151859 (Schoelling)

Claims 1-4 and 6-11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Schoelling.

With respect to the novelty of claims 1-4 and 6-11: Applicant respectfully traverses the rejection. The Office Action states that, in Paragraph 0009 Schoelling discloses a tampon made of compressed fibrous material with an insertion end, a recovery end, a longitudinal, and an outer surface with longitudinal grooves and that it is shown in Figure 1, that the surface grooves (recesses) approaching the insertion end comprise a width x (larger than y) closer to the tip of the tampon, and a width y (smaller than x) as the width of the grooves decreases. (Office Action Page 2, Paragraph 2)

Applicant respectfully disagrees with the assertion that the grooves of Schoelling have a width x and a separate width y. Applicant cannot locate any support in the Specification of Schoelling for the assertion that the grooves have a width x and a separate width y. Further, as shown in Figures 1, 3 and 4 of Schoelling the widths of the longitudinal grooves in the tampon have a constant width (no differing x and y widths). Specifically, as shown in Figures 3 and 4 the grooves are of a single width along their longitudinal length. Figure 4 shows a cross section of the tear shaped grooves. Figure 3 does not show different widths of the grooves, but rather the opening of the grooves in the insertion end that are otherwise covered by the longitudinal ribs along the body of the tampon. This is supported in Schoelling, "As a result of the fact that the outer ends lying against one another of the side flanks 44 of the adjacent longitudinal ribs 40 close to the longitudinal grooves 42 only at the circumferential surface 46 of the tampon 30, the longitudinal grooves 42 form in each case eight closed spiral guide ducts 50 (FIG. 4) which are in each case preferably open only at the insertion end 32 and at the recovery end 34 (the openings at the insertion end 32 are visible in FIG. 3). (Page 3, Paragraph 0039) Therefore, Schoelling does not disclose or teach a tampon wherein the recessed portions have a first width dimension x and a second width dimension y.

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Accordingly, Applicant respectfully submits that claim 1 and its dependent claims 2-11 are novel over Schoelling and the rejection should be withdrawn.

Rejection Under 35 U.S.C. §103(a) Over U.S. 2002/0151859 (Schoelling) in view of U.S.
5,911,712 (Leutwyler et al)

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Schoelling in view of Leutwyler et al.

Applicant respectfully traverses the rejection. The Office Action states that, in Paragraph 0009 Schoelling discloses a tampon made of compressed fibrous material with an insertion end, a recovery end, a longitudinal, and an outer surface with longitudinal grooves and that it is shown in Figure 1, that the surface grooves (recesses) approaching the insertion end comprise a width x (larger than y) closer to the tip of the tampon, and a width y (smaller than x) as the width of the grooves decreases. (Office Action Page 2, Paragraph 2)

Applicant respectfully disagrees with the assertion that the grooves of Schoelling have a width x and a separate width y. Applicant cannot locate any support in the Specification of Schoelling for the assertion that the grooves have a width x and a separate width y. Further, as shown in Figures 1, 3 and 4 of Schoelling the widths of the longitudinal grooves in the tampon have a constant width (no differing x and y widths). Specifically, as shown in Figures 3 and 4 the grooves are of a single width along their longitudinal length. Figure 4 shows a cross section of the tear shaped grooves. Figure 3 does not show different widths of the grooves, but rather the opening of the grooves in the insertion end that are otherwise covered by the longitudinal ribs along the body of the tampon. This is supported in Schoelling, "As a result of the fact that the outer ends lying against one another of the side flanks 44 of the adjacent longitudinal ribs 40 close to the longitudinal grooves 42 only at the circumferential surface 46 of the tampon 30, the longitudinal grooves 42 form in each case eight closed spiral guide ducts 50 (FIG. 4) which are in each case preferably open only at the insertion end 32 and at the recovery end 34 (the openings at the insertion end 32 are visible in FIG. 3). (Page 3, Paragraph 0039) Therefore, Schoelling does not disclose or suggest a tampon wherein the recessed portions have a first width dimension x and a second width dimension y.

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Accordingly, Applicant respectfully submits that claim 5 is non-obvious in view of Schoelling and Leutwyler et al. and the rejection should be withdrawn.

Double Patenting

Claims 1-11 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/719,258.

In response Applicants are filing a terminal disclaimer to obviate a provisional double patenting rejection over a pending application (10/719,258) which is attached to this response.

Conclusion

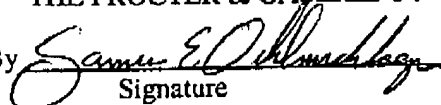
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the double patenting rejection and the rejections under 35 U.S.C. §102 and §103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 1-11 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

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